

REMARKS

Claims 1-9 and 19-21 are pending in this application. Claims 1-9 and 19-21 are rejected. Claim 1 is amended hereby. Claims 10-18 have been previously canceled

Responsive to the rejection of claims 1-9 and 19-21 under 35 U.S.C. § 103(a), in the Office Action dated January 29, 2003 as being obvious by U.S. Patent No. 5,902,011 (Hand et al.) in view of U.S. Patent No. 5,033,133 (Nissen), Applicants have amended claim 1 and submit that claims 1-9 and 19-21 are now in condition for allowance.

Hand et al. '011 disclose an office chair 210 with an adjustable lumbar support 10 (Figs. 12 and 15). Lumbar support 10 (Figs. 1-6) includes two inflatable bladders 14 interconnected by fluid distribution conduit 16 disposed therebetween and inflation conduit 18 connected to fluid distribution conduit 16 (column 4, line 65 through column 5, line 2). A pumping element (not shown) may be connected by tube or hose 34 to inflation conduit 18 to provide a way to adjustably inflate bladders 14 to the desired pressure (column 5, lines 16-18). A face panel 20 is secured to one side of bladders 14 to provide an interface between the bladders and the user's back (column 5, lines 5-7). Medial portion 30 of face panel 20 has a greater degree of flexibility than outer end portions 32 thereof to enable the face panel to flex at its medial portion to thereby relieve pressure to a user's spine and to conform to the curvature of one's back (column 5, lines 7-11). Form stable outer end portions 32 distribute the pressure exerted by bladders 14 against the user's back, and a generally rectangular rear panel 22 is secured to the other side of bladders 14 to provide a form stable support for the bladders (column 5, lines 11-15). Fig. 11 is an exploded view of lumbar support 10 fashioned for mounting on a cantilevered back support 247 (see Fig. 17) of a chair (column 8, lines 4-6). Back plate 175 is provided for each side of inflatable bladder or lumbar assembly 10 with each back plate 175 including mounting arm or

device 177 that terminates in hook 180 (column 8, lines 6-11). Hooks 180 are shaped such that they must be deflected or opened when slid over the edge of cantilevered back support 247, thus, creating a frictional engagement between the hooks and the surface of back support 247 with the resiliency of hooks 180 sufficient to hold air inflatable bladder or lumbar assembly 10 in a vertical adjusted location on cantilevered back support 247 (column 8, lines 11-19). Office chair or seat 212 includes one piece shell 212 with backrest 240 which includes mid-back portion 246 from which cantilevered back support 247 depends (column 9, lines 35-60). Upholstered cushion 270 is connected to backrest 240 by inserting fastening devices 278 in keyhole slots 273 (column 10, lines ~~46-48~~).

Nissen '133 discloses an inflatable seat cushion (Figs. 1 and 3) including a compressible core 13 within an inner cover 14 and an outer cover 16. Core 13 is preferably constructed from an open celled polyurethane foam material (column 3, lines 65-66). Valve 19 allows a person to selectively open and close off tube 15 to atmospheric access to the space within inner cover 14 (column 5, lines 26-29).

In contrast, claim 1, as amended, recites in part:

An article of furniture, comprising: a support having a support surface; a flexible support member having a platelike structure including a plurality of outwardly extending opposed projections, said plurality of outwardly extending opposed projections comprising at least one upper segment and at least one lower segment, at least one of said upper segment and said lower segment being connected to said support surface; a plurality of air bladders mounted between said support surface and said flexible support member, . . .

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed or suggested by Hand et al. '011 and Nissen '133, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Hand et al. '011 disclose an office chair with an adjustable lumbar support that includes two inflatable bladders interconnected by a fluid distribution conduit disposed therebetween. A back plate is provided for each side of the lumbar assembly with each back plate including a mounting hook that attach to a cantilevered back support. The lumbar support is held between the back support and an upholstered cushion. The upholstered cushion is connected to the backrest by inserting fastening devices in two keyhole slots. Nissen '133 discloses an inflatable seat cushion including a compressible core within an inner cover and an outer cover, with the core preferably constructed from an open celled polyurethane foam material, and a valve allowing a person to selectively open and close off a tube to atmospheric access to the space within the inner cover. However, Hand et al. '011 and Nissen '133, alone or in combination, fail to disclose, teach or suggest a flexible support member having a platelike structure including a plurality of outwardly extending opposed projections, the plurality of outwardly extending opposed projections comprising at least one upper segment and at least one lower segment, at least one of the upper segment and the lower segment being connected to the support surface; a plurality of air bladders mounted between said support surface and said flexible support member.

Applicants respectfully submit that all claim limitations must be taught or suggested by the prior art in order to establish *prima facie* obviousness (MPEP 2143.03), and Hand et al. '011 and Nissen '133, alone or in combination, fail to disclose, teach or suggest a flexible support member of platelike structure with the amended limitations. Further, Applicants respectfully submit that even if the prior art device performs all the functions recited in the present invention claims, the prior art cannot anticipate the claim if there is any structural difference (MPEP 2114), the structural difference being a flexible support member of platelike structure with the amended limitations, among others.

The present invention as set forth by amended claim 1 has distinct advantages over Hand et al. '011 and Nissen '133 and the other cited references. An advantage of the present invention is the air bladders have a better support by being held in place on the support surface, at least in part, by a flexible support member. Another advantage is the air bladder system may either be made a permanent or a temporary part of a given article of furniture.

Further, the elements added by amendment are shown in the drawings as originally filed, therefore no new matter has been added.

In further contrast, claim 19 recites in part, "said support surface further includes at least one pocket, at least one said lower segment being removably insertable into at least one said pocket." (Emphasis added.) Appellants submit that such an invention is neither taught, disclosed nor suggested by any of the cited references, alone or in combination, and includes distinct advantages thereover.

Hand et al. '011 disclose upholstered cushion connected to the backrest by inserting fastening devices in two keyhole slots. A pocket is generally understood to be a small flat pouch whereas a slot is generally understood to be a narrow groove, opening or notch (*The American Heritage Dictionary of the English Language*, Houghton Mifflin, 1978) and these definitions are supported by the sole drawing of the present invention and Fig. 18 of Hand et al. '011, respectively. Applicants respectfully submit that a term may not be given a meaning repugnant to its usual meaning (MPEP2173.05(a)) **and a slot is not a pocket**. Applicants respectfully submit that even if the prior art device performs all the functions recited in the present invention claims, the prior art cannot anticipate the claim if there is any structural difference (MPEP 2114), the structural difference being that the flexible support member is held in **at least one pocket**, whereas the upholstered cushion of Hand et al. '011 is held in **a slot**. Applicants respectfully

submit that all claim limitations must be taught or suggested by the prior art (MPEP 2143.03) and Hand et al. '011 and Nissen '133 are completely silent regarding a flexible support member held by a pocket.

Claim 21 is distinguished from the cited prior art by claim limitations similar to claim 19, among others.

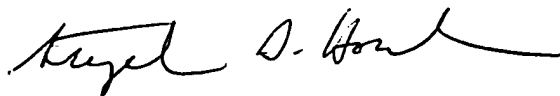
For all of the foregoing reasons, Applicants submit that claim 1, and claims 2-9 and 19-21 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



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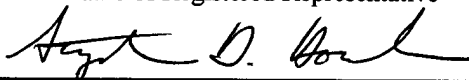
Agent for Applicant

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